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ABSTRACT

This handbook identifies California Education Code provisions that have reference to part-time adult education personnel, assesses current personnel practices in adult education, and offers possible approaches to the solution of problems. The chapters of the handbook are as follows: I. Principles of Personnel Management (general; peculiarities of Adult Education); II. The Selection Process (staff recruitment; the application; the interview); III. The Hiring Process (contracts; procedures); IV. Credentials; V. Teacher Benefits (tenure; retirement benefits; leaves of absence; fringe benefits); VI. Evaluation and Supervision; VII. Dismissal Procedures (permanent employees; probationary employees; temporary employees); VIII. The Classified Staff (noninstructional personnel; instructional aides); and IX. Professional Responsibilities. An appendix provides Selected Education Code Sections. (DB)

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Handbook on Adult Education Personnel Policies and Procedures

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Handbook on Adult Education Personnel Policies and Procedures

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Foreword

Adult education is expanding in significance and scope, sensitive to the needs and demands of our time. Adult educators are looking to the future in terms of equitable professional recognition and consideration.

The real strength and value of any organization is found in its members. Effective personnel practices are of primary significance in the success of any endeavor. This publication is designed to provide information and guidance to adult education administrators and teachers in their quest for functional integrity and professional equity.

Wilson Riles

Superintendent of Public Instruction

Preface

Teacher strikes, negotiating councils, dismissal hearings, fringe benefits, rights and demands, legal opinions, court decisions, and appeals are phrases which are a part of the conversations of educators in their working environment. A semantic tug-of-war has developed over the hallowed territory of personnel rights and responsibilities.

Problems relating to the rights and responsibilities of full-time certificated personnel in elementary schools and high schools are difficult; problems of part-time personnel in adult education programs are complicated further by the absence of well-defined regulations and policies. As a result, administrators and teachers in adult education programs have expressed a need for comprehensive and concise information relating to personnel policies and procedures as they apply to the needs peculiar to adult education.

Of the approximately 15,000 teachers currently employed in adult education programs in California, 90 percent are part time, as defined by local school districts in their 1971-72 annual reports to the State Department of Education.

The purposes of this handbook are to identify California Education Code provisions which have reference to part-time adult education personnel, to assess current personnel practices in adult education, and to offer possible approaches to the solution of problems. The information presented will be of value to both teachers and administrators with the expectation of solving problems before they reach apparent insoluble levels.

We are grateful to adult education administrators, counselors, and teachers for their suggestions and comments, and to the many members of the staff of the State Department of Education, the State Teachers Retirement System, and the Public Employees Retirement System for their technical assistance in the preparation of this publication.

THOMAS A. SHELLHAMMER
Deputy Superintendent
for Programs

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Chief, Bureau of
Adult Education

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CHAPTER I
Principles of Personnel Management

GENERAL

Regardless of the technological level of our society and the availability of machines, computers, sophisticated hardware, and outright gimmickry, the key to the efficiency and success of any agency is the human element. People, in groups and individually, are still the functional forces that breathe life into a collective endeavor with enthusiasm and vigor -- or strangle it with restraint, apathy, and, perhaps worst of all, the selfish hoarding of needed talent.

A school administrator assumes particularly significant responsibilities in his role as a personnel manager. The selection and supervision of personnel represent an area that tolerates few mistakes. The school administrator must have a clear image of the goals and objectives of the program that he administers and the role each staff member is expected to play to achieve those goals and objectives. He must provide the type of leadership which encourages the development of a mature, self-reliant, critically cooperative staff that is not satisfied with "satisfaction." Job satisfaction implies complacency. Job enthusiasm is a more appropriate goal.[1]

Before an administrator can ask his staff to live up to his expectations, he must make certain he is living up to theirs. Staff members expect at least the following qualities of anyone in a leadership role.

- They want him to have a good fix on his objectives. This gives them a sense of direction.
- They want him to have a well-developed plan for reaching objectives. This gives them the feeling that they are carrying out a sound program.
- They want to be kept informed on progress. This gives them a sense of participation.
- They want him to treat them as individuals. They instinctively realize that a leader can motivate a group only when he has learned how to motivate each person in the group.

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[1] James M. Black, Developing Competent Subordinates, New York: American Management Association, 1961, p. 11. Reprinted by permission of the publisher from Developing Competant Subordinates© 1961 by the American Management Association, Inc.

- They ask him to accept nothing less than their best effort. They want to respect him, and they cannot respect a leader who is satisfied with indifferent standards of accomplishment.

- They want him to recognize superior achievement. This demonstrates his impartiality and fairness.

- They want him to follow up.

- They want him to lead. They know that is his job.[2]

The effective administrator, then, must consider the following in the establishment and maintenance of effective personnel procedures.

- Clear definition of program goals and objectives

- Accurate identification of work assignments

- Positive relation of assignments to goals and objectives

- Maintenance of open communication

- Development of objective evaluation systems and effective inservice improvement opportunities

It is imperative that the leader leave no doubt regarding his confidence, competency, and sincerity in assuming the responsibilities of his role. If such responsibilities imply "status," then "such status must be used by its holder to further rather than to wall off the performance of the function out of which the status arises."[3]

PECULIARITIES OF ADULT EDUCATION

Personnel management as it relates to the administration of adult education programs is particularly challenging.

In situations involving the selection and supervision of a staff composed primarily of part-time workers, the challenges of maintaining effective communications and group relations are manifold. In many cases, the part-time employee is likely to be involved in other professional pursuits and may regard his adult education assignment as secondary.

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[2] Ibid., p. 13.

[3] Robert Tannenbaum and Sheldon A. Davis, "Values, Man, and Organizations." Los Angeles: Institute of Industrial Relations (Reprint No. 202), University of California, Los Angeles, 1969, p. 75.

Recruitment of adult education staff members is often a difficult task. Normal recruitment practices and procedures are not always available or appropriate in selecting part-time staff members. In many cases, recruitment must involve not only placement offices, personnel lists, and application files, but also active contacts throughout the community in general to identify and secure talents from business and industry, community agencies, and other segments of the population. In the process of recruiting staff members, the administrator often faces the problem of finding the best qualified instructor whose other commitments allow him to teach a given class at the most appropriate time. In addition, the wide range of employee abilities and experiences resulting from such recruiting procedures produces a comparable range in attitudes and commitment to teaching as a profession.

The variances noted here also create special problems relating to communications. Staff meetings are difficult, if not impossible, to arrange so that all staff members may attend. Maintaining individual contact is often cumbersome when staff members are teaching only on a limited, sporadic basis.

Among the problems affecting personnel management and staff relations in adult education programs are those which result from the sharing of physical facilities. Conflicts arise when one staff occupies a school plant during the daytime hours and a different staff occupies the same facility during the evening hours. Although such problems rarely reach the crisis stage, they nevertheless may have a debilitating effect upon staff morale.

CHAPTER II

The Selection Process

Of all the responsibilities assumed by an adult education administrator, none is more critical than the proper and careful selection of staff members. The selection of staff members can make the difference between a vital program and a stagnant, pseudo-educational process. Problems of supervision and evaluation are considerably improved by effective personnel selection procedures. And, if the selection process is effective, there is little need for concern regarding termination procedures.

In practically all adult education programs in California, administrators are directly responsible for the selection of teachers. In most cases the selection process involves the review of an application form, an interview with the prospective employee, contacting previous employers, the clearing of details (e.g., filing of credentials, chest X rays, payroll clearances), recommendation for employment to the superintendent or personnel director, and final approval for employment by the local governing board.

Prerequisite to any effective selection technique or system is a clear understanding of the total program, both as a whole and as a combination of individual parts. An administrator who is charged with the responsibility for selecting personnel must analyze an applicant's qualifications from at least two points of view: (1) his apparent capacity and ability to accomplish a specific task; and (2) his probable accountability to the goals and temperament of the total program and total staff.

Characteristics of good teachers of adults have been explored and discussed at innumerable meetings and workshops, and published widely. (See Public School Adult Education: A Guide for Administrators, National Association of Public School Adult Education, 1963.) All such lists, however, fail to identify any really distinctive talents or capacities required uniquely by adult education. A "good" teacher, in all likelihood, will do a "good" job of teaching, regardless of the level of instruction. The most distinctive difference between teaching adults and teaching youth results from the very nature of adult education--the wide range in age, backgrounds, and experiences of the students in a given class. The successful teacher of adults must recognize and accept the fact that many of his students may have been in closer, more prolonged contact with the problems of life than he. In such instances, the instructor himself becomes a manager, a conductor--an entrepreneur of sorts, providing the physical and psychological environment in which the exchange of knowledge can thrive -- actively participating in that exchange.

In the process of selecting staff members, the administrator should avoid prejudices and snap decisions. Even when the starting date for a

new class is rapidly approaching, he should arm himself with as much pertinent information as possible regarding prospective employees' qualifications and backgrounds. The administrator must not "fall into the trap of random judgment or be thrown off stride by decisions based on inadequate information."[1]

STAFF RECRUITMENT

Staff recruitment problems vary from district to district, depending upon program size, curriculum, and community "personality." An active, continuous recruitment program aids the selection process by providing the administrator with a wider selection of talent from which to choose.

Adult education instructors may be recruited through the following contacts:

District personnel office
Placement agencies and services
Graduate school of the local college or university
Office of County Superintendent of Schools
District substitute-teacher roster
Spouses and referrals of regular day school and adult education staffs
Active members of the business, industry, and professional communities
Professional, cultural, and civic organizations
Public community agencies[2]

THE APPLICATION

An application for employment filed by a prospective employee serves at least two basic functions: (1) It gives an employer a source of background information upon which to make preliminary assessments of qualifications, structure interviews, and, in combination with other inputs, make final staffing decisions; and (2) it enables the prospective employee to assess his own qualifications, experiences, and abilities as they relate to the position for which he is applying.

A well-designed application form should meet the needs of local situations and should include, as a minimum, the following areas of information: (1) personal information; (2) subjects qualified to teach; (3) teaching preferences; (4) educational and vocational background and experience; and (5) occupational and personal references.

---

[1] Black, op. cit., p. 37.

[2] "San Diego Workshops in Adult Education: Administration, Supervision, and Coordination." San Diego: 1968, p. 8 (unpublished manuscript).

In addition, the form should provide space for the prospective employee to include comments, questions, or concerns regarding his possible assignments and responsibilities as well as his purposes in applying for the particular position.

It is not wise to make decisions solely on the basis of responses to application form items. Regardless of how complete or how carefully constructed the form may be, it is nevertheless a rather objective "sterile" document which does not always accurately reflect the applicant's personality. As part of a composite body of information, however, it is an essential element in the careful selection of employees and may also be an invaluable aid in evaluation and upgrading of staff competencies.

Figures 1 and 2 represent two types of application forms now being used in public school adult education programs in California.

THE INTERVIEW

The interview between employer and prospective employee is the key to the entire selection process. Normally, an interview is conducted on the basis of information provided on an application form. However, the interview should be conducted early enough in the selection sequence to allow for the gathering of additional information (reference checks and clarification or amplification of questionable areas revealed on the application form and during the interview) before a final decision is made.

The interview process invariably represents a real challenge to one's insight and understanding. It is during the interview that individuals are "reading" each other's words, facial expressions, speech inflections, mannerisms -- the composite personality. The interview helps to color the image presented on an application form. It is a test of intuitive abilities -- of making significant decisions on the basis of subjective evidence.

The interview, if properly structured, should provide for dialogue rather than alternating questions and answers. It should provide an opportunity not only for the employer to assess the experiences and qualifications of the prospective employee, but also for the latter to investigate the "environment" of the position for which he is applying.

The following "Human Relations Factors" illustrate some of the thinking which may occur during the course of any normal interview session.

TEACHER APPLICATION
RICHMOND EVENING HIGH SCHOOL

I. Name in full_____ Date_____

Home address_____ Telephone_____

Business address_____ Telephone_____

Date of birth_____ Place of birth_____

Married___ Maiden name_____ Number of children____ Widow____

If married, give husband's or wife's name_____

California teaching credential held_____

II. Subjects you desire to teach, in order of preference: 1._____

2._____ 3._____ 4._____ 5._____

III. Educational preparation:

School	Dates attended	Name and location of institution	Course completed	Year of graduation	Degree or diploma received
High school					
College or university					
Special schools					

IV. Educational experience:

Years	Type of school	Location of school	Nature of position (Grade or subjects)
19____ to 19____			
19____ to 19____			
19____ to 19____			

V. Business, military, or other experience:

_____

_____

_____

VI. References:

Name	Address	Official position

Figure 1

LA PUENTE ADULT HIGH SCHOOL
VALLEY VOCATIONAL CENTER
VALLEY HIGH SCHOOL

Date_____

1. Miss
   Mrs.
   Mr._____

2. Home Address_____City_____Phone_____
   Business or
3. School Address_____City_____Phone_____

4. I would like to teach the following adult class(es):

   _____

   _____

5. Indicate times available to teach by checks:

Monday___	Morning___	Afternoon___	Evening___
Tuesday___	Morning___	Afternoon___	Evening___
Wednesday___	Morning___	Afternoon___	Evening___
Thursday___	Morning___	Afternoon___	Evening___
Friday___	Morning___	Afternoon___	Evening___

6. What experience or training qualifies you to teach the above subjects? Include experience in teaching or taking adult classes. If day school teaching, indicate the grade level.

Teaching Experience	School	Supervisor	How Long?
1.			
2.			
3.			
4.			

(If additional space is needed attach a supplemental sheet)

7. Other Work Experience:

Firm	Address	Supervisor	How Long?
1.			
2.			
3.			
4.			

(If additional space is needed attach a supplemental sheet)

LA PUENTE UNION HIGH SCHOOL DISTRICT

8. Teaching Credentials Held: Cred. # Expires

   1._____

   2._____

9. _____I need help in securing the appropriate credential.

10. Education:
    1. High School_____
       (School and Location) (Year Graduated)
    2. College degree(s)___A.A. ___Master ___Doctorate
    3. List all schooling beyond high school in order of attendance:

School	Location	Major	Sem. Hours	Degree

11. Personal
    1. Birthdate_____Birthplace_____Height_____Weight_____
       Physical Defects: Sight___Hearing___Other_____
    2. Single___Married___Widowed___Divorced___Separated___
       Number of children_____Ages_____
    3. Have you been arrested or convicted of a crime other than minor traffic violations? ___Yes ___No
    4. Are you a U.S. Citizen?___If naturalized give date_____
    5. Are you, or have you been a member of California Teacher Retirement System?___
       If yes, have you withdrawn funds?_____
    6. Are you currently employed by other public school districts?
       List:_____

12. Read carefully before signing:

    This application is submitted with the understanding that I must possess a California Teaching Credential dated not later than the effective date of my employment by La Puente Union High School District, and that the above information is correct.

    I am willing to furnish the district with the following:
    (1) Result of a chest x-ray (2) Transcript of college work
    (3) Verification of teaching experience.

_____ _____
Date Signature

DO NOT WRITE BELOW THIS LINE OFFICE USE

Salary Step_____ Verified by:_____
Interview:

Figure 2

HUMAN RELATIONS FACTORS
(Reflections during an interview)

EMPLOYER	PROSPECTIVE EMPLOYEE
Does he/she have the necessary skill to do an effective job?	What does he/she want me to teach?
What does he/she know about adult education and methods of working with adults?	Is there a course of study I must follow?
Why does he/she want to teach adults?	Must I keep a lot of records?
Will he/she teach for what we're paying?	What are the hours?
How will adults react to his/her personality and appearance?	How much will it pay?
Does the prospect of teaching adults appear to be a challenge or an assignment?	What kind of a room will I teach in?
Is he/she enthusiastic?	What kind of a person is he/she to work for?
Does he/she like people?	Will I get a lot of supervision or "snoopervision"?
Can he/she meet certification requirements?	How much outside work will it require?
	Who are the people I'll be teaching?
	How many students will I have in class?
	How do I get supplies and materials needed for instruction? [3]

The significance of insight and intuition in conducting an interview and making wise use of the resulting data cannot be denied. There are, however, certain guidelines and techniques which can enhance the reliability of the interview process. The following questions serve as an excellent guide regarding techniques of interviewing:

1. Have I established an agreeable atmosphere?
   The purpose of the interview is to get the applicant to tell you about himself. If the climate is cold, he freezes. Therefore, show him by attitude and action that you have a friendly interest in what he has to say.

   He deserves your complete attention. Don't destroy the effectiveness of the interview by allowing interruptions--telephone calls, conferences with other people, and the like -- to break up its orderly flow.

2. Have I helped the candidate relax?
   Read his resume before you talk to him. This will enable you to shape the course of the interview. It will also give you the information that will help you ask questions that get the discussion off to a friendly start. For example, if you notice in the resume that the job seeker has had a military experience that you share, you might say so. This provides you with a common meeting ground and gets the conversation started naturally and informally.

[3] Public School Adult Education: A Guide for Administrators. Edited by John H. Thatcher. Washington, D. C.: National Association of Public School Adult Administrators, 1963, p. 94.

3. Have I shown a genuine interest in the applicant?
Try to see things from the candidate's point of view. He wants to make a good impression on you. He may be nervous and overeager; but, if he is convinced that you have a sincere interest in hearing what he has to say, he will give you information about himself that you could never hope to get by asking questions.

4. Have I avoided the grasshopper approach?
Your job is to keep the interview moving smoothly. You do this by building conversational bridges that easily carry the stream of information from one subject to another. Hopping from topic to topic will fluster the applicant and force him to respond in kind with short replies that tell you very little. When the skillful interviewer asks a question, he doesn't interrupt until it has been completely answered.

5. Did I listen with attention?
Use the question as a pump primer. But, when the information starts to flow, don't let your mind wander out of the room to some other problem. Your inquiries are the key that turns the switch that starts the motor of the interview. They are also the steering mechanism you use to guide the discussion to its objective. Your main job, though, is listening. That is how you get the facts.

6. Did I ask too many questions?
There are four reasons why you ask a question in an interview: (1) to put the session in motion; (2) to secure more information on some point the applicant has brought up; (3) to plug a knowledge gap in the sequence of his story; and (4) to make sure you have gotten a clear understanding of what he has told you. However, questions should be used sparingly and should be of the kind that neither give the candidate an indication of the answer you want nor demand a "Yes" or "No" reply. When you interview an applicant, you are not trying to put him on the witness stand. Your purpose is to get his story in his own words so you can decide whether or not he can make a contribution to your working organization.

7. Did I fight with the applicant?
Never argue with a job applicant. If his opinions are contrary to yours, what difference does that make? He's not working for you. If you think he is giving you evasive or false answers, there is no need to back him into a corner. Provided your sympathy is genuine, you may persuade him to clear up inconsistencies with a frank statement of the whole story--from his point of view. Where this approach fails, you can investigate the matter through other sources--or, if you wish, wash your hands of the problem by rejecting him.

8. Did I talk too much?
Probably the most frequent mistake of interviewers is to do all the talking themselves. The applicant is a captive audience. He will listen to anything you want to tell him. But your job is to find out about him, and you will never do that if you keep a firm grip on the sending end of the conversation. Keep your replies brief and to the point. For example, if the man is telling you about a difficulty he ran into with his last employer, and you can see that he is skipping parts of the story, a remark like, "That must have been a real problem. Tell me more about it," will encourage him to give you further details that may help you form an opinion of his character or aid you in a follow-up reference check.

9. Did I fit the approach to the applicant?
Each applicant is an individual and should be so treated. The alert interviewer tries to size up the candidate during the opening stages of the interview to select a suitable approach. He is careful to use language the applicant understands. Technical jargon is confusing. The true objective of an interview is to establish eye-level, ear-level, two-way communication. You want the candidate to give you the facts. The candidate wants you to create a sympathetic atmosphere in which this is easy to do and to ask orderly, logical questions that allow him to tell you what you want to know about him.

10. Did I properly weigh the information I got?
When the interview is over, review what the applicant said. Judge him both as an individual and as a potential employee. So far as his character is concerned, his record is the best evidence. If the reference checks have been carefully made, they will provide you with substantive evidence. If you are satisfied that the man measures up from the standpoint of character, consider his experience and education. Then make your decision. If you are (still) uncertain, interview somebody else. It's worth the effort to be safe rather than sorry.[4]

Whatever techniques are used, the interview deserves careful consideration. It is generally the basis upon which decisions to hire personnel are made. It may constitute an excellent opportunity for orientation or preservice training of the prospective employee. As long as interviewing techniques result in reliable, sound decisions, the purpose of the interview is being served.

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[4] Black, op. cit., p. 33-34.

CHAPTER III
The Hiring Process

CONTRACTS

Webster's New International Dictionary (Second edition) defines a contract as "an agreement between two or more persons to do or forbear something, esp. such an agreement that is legally enforceable; a bargain; a compact; a covenant. A legal contract was defined by Blackstone as 'an agreement upon sufficient consideration to do or not to do a particular thing,' and this has been the generally accepted definition, either literally or in one paraphrase or another . . . ."[1]

If that definition is accepted, a contract would consist of at least four parts: (1) an offer; (2) an identification of "sufficient consideration"; (3) a definition of the "particular thing"; and (4) an acceptance.

A little more than half (52 percent) of the adult schools surveyed for this study indicated that part-time adult education teachers are given a written contract, notification of employment, or similar document. However, samples of such documents submitted by those adult schools revealed that none of the schools' contracts included all four of the elements suggested above. Figures 3, 4, 5, and 6 illustrate types of assignment notifications currently in use in California adult education programs.

Sound personnel management dictates that a clear understanding of responsibilities, limitations, and considerations must be jointly established by employer and employee. The following factors are suggested as basic to that clear understanding:

- Teaching assignment -- subject areas, time, days or nights, location
- Conditions -- enrollment required for viable class, attendance required to maintain the class, pertinent policies and regulations applying to conditions of part-time employment, exceptions
- Salary -- salary schedule and/or rate, manner of payment, possible revisions

---

[1] Webster's New International Dictionary (Second edition). Edited by William Allan Neilson. Springfield, Mass.: G. & C. Merriam Co., 1953, p. 578.

August 15, 1971

Dear

You are being assigned to teach _____ hours a week at Adult Day School for the school year 1971-72, beginning with the week of _____, and ending on or before June 30, 1972. Please confer with the principal, _____, regarding the details of your assignment.

This assignment is made subject to change and/or cancellation if circumstances warrant.

In addition to your instructional duties, it is assumed that, as a part of your professional responsibility to both Adult Day School and to your students, you will attend such meetings as may be called for faculty members during the period of your assignment.

Before the first meeting of the class, you must be sure you have on file in this office a certificate card showing that you have the proper credential on file or have applied for such credential through the office of the County Superintendent of Schools. You must also have on file a record of a satisfactory chest X ray. In addition, will you please reply promptly on the enclosed postal card. If you have any questions, call 836-2622, extension 831 or 832.

We hope that you can accept this assignment and wish you a successful school year.

Cordially yours,

Figure 3

Teaching assignment _____ Fall _____ Quarter 1971

Instructor _____

Class assigned _____

Day(s) of Week _____ Time _____

Meeting place _____

It is understood by the undersigned that it will be necessary to have an active enrollment of 15 by the third meeting of the class for its continuance. Also the second consecutive meeting with less than 12 in attendance automatically closes the class.

This teaching assignment is accepted with these limitations.

Please list again correct mailing address and telephone number.

Please return to the Adult School Office by June 30, 1971

Signed _____

Address _____

City _____

ZIP code _____

Telephone Number _____

Figure 4

Tentative plans for the 1971 fall semester call for offerings comparable to those of this year. We have included the course(s) listed below as your assignment. This assignment is offered to you on the following conditions:

a. Subject to approval of budget
b. Subject to Board of Education approval of assignment
c. Subject to sufficient class enrollment to justify the offering(s)
d. Subject to your understanding that contract teachers must be given full teaching loads, and may be assigned some per-session classes if their regular classes do not materialize
e. Subject to your understanding that any class may be cancelled should the actual enrollment fall below required level
f. Subject to your acceptance of the salary as determined by the Board of Education and administered by the personnel office
g. Subject to your holding and maintaining a valid teaching credential for the subject area of your assignment

Course description	Day	Hours	Room

Will you please indicate your acceptance subject to the above listed conditions.

Please return the original to me personally.

Principal

Date

Instructor's signature

Figure 5

LETTER OF ASSIGNMENT

TO: DATE:

I am happy to plan your assignment for the _____ school year, beginning _____ as follows:

Subject	Day or Night	Starting Date	Weeks	Time	Location

If you foresee any conflict, desire any change, or decide not to teach, please contact the Adult Education Office as soon as possible.

Since brochures announcing classes for the entire year will be printed and mailed, it is necessary to have the above information as accurate as possible.

1. Be sure that you have a valid teaching credential which has been recorded by the San Bernardino County Schools Office, Superintendent of Schools Teacher Certification Division, San Bernardino, California. A valid credential is the teacher's responsibility.
2. Twenty-five persons enrolled by the third session of the class is required as an adequate starting number. Exception must be cleared through the Adult Education Office.
3. If the class attendance (not enrollment) drops below 18 for two consecutive sessions, the class may be closed and the teacher's service terminated. The class should average not less than 20 for each school month.
4. It is understood that teachers accepting this assignment will continue to teach unless a sufficient number do not enroll or the class attendance drops below 18.
5. Teachers should notify the Adult Education Office when their class drops below 18 for two consecutive times, as noted.
6. This assignment must be approved by the Board of Education.
7. Classes which have 12 persons or less should be dismissed after the first hour. Please contact the Adult Education Office as soon as possible to see what can be done.
8. In case of illness or absence, notify the Adult Education Office, 793-2541, as soon as possible. Only secondary credentialed teachers may legally substitute. The Adult Education Office must be notified of any substitutions.

Please sign the original copy and return it to the Adult Education Office by _____. The other copy is for your records.

Signed _____
Coordinator of Adult Education

Signed _____
Address _____
Telephone _____

Figure 6

Such information should be included in any valid offer of employment. The prospective employee should be required to accept or reject the offer and notify the employer in writing of his acceptance or rejection.

The question as to what legally constitutes a contract is one that defies a succinct answer. While it appears that all contracts include certain common elements, the substance of specific agreements, whether written, verbal, or implied, is quite often subject to judicial review. Local circumstances and practices, as well as the specifics of individual cases, preclude any valid generalization concerning the need and/or legality of "contracting" procedures. In this respect, the advice and guidance of the county counsel's office should be sought.

PROCEDURES

District procedures for processing new staff members reflect, of course, local needs and policies. There is, however, an expected degree of similarity in the manner in which applications are handled. In almost all cases, the sequence is as follows:

1. Application
2. Interview
3. Reference checks
4. Credential clearance
5. District "enrollment"
6. Recommendation for employment
7. Official acceptance by local governing board

With respect to credential clearances, the responsibility generally rests with the adult education administrator. In some instances, such checks and clearances are made by district personnel offices. If the applicant is already credentialed, the authorization, expiration date, renewal conditions, and other pertinent information are available from the office of the County Superintendent of Schools in the county in which the credential was filed.

If the applicant does not hold a valid credential, the credential application process should be initiated as soon as possible following a decision to hire the applicant (see Chapter IV, "Credentials"). In such cases, if the district does not maintain a credential technician, assistance is available from the Office of the County Superintendent of Schools. Credential application forms and procedural information are also available from the Commission for Teacher Preparation and Licensing, P. O. Box 2670, Sacramento, California 95812.

CHAPTER IV
Credentials

The existing credentialing structure in California provides a reasonable degree of flexibility in the recruitment of a competent instructional staff. Regulations provide an opportunity to recruit and employ persons from the business and professional world whose special expertise is essential to provide a well-balanced curriculum that reflects local needs and concerns.

The following list is intended as a guide to credentials most commonly granted authorizing service in classes for adults.

Credentials granted prior to January 1, 1964:

- Adult Education Credential in Designated Subjects, authorizing the holder to teach subject(s) indicated on the credential in classes for adults; subject to periodic renewal
- Adult Education Credential for Short Unit Courses, authorizing the holder to teach specified subjects for not more than 120 hours per year; subject to periodic renewal
- Class D Vocational Credential in trade, industrial, and public service education, authorizing the holder to teach specified subjects for less than full-time service; subject to periodic renewal
- General Secondary Credential, authorizing the holder to teach any subject in grades seven through fourteen; subject to periodic renewal
- Special Secondary Credential, authorizing the holder to teach specified subject(s); subject to periodic renewal

Credentials granted January 1, 1964, and after:

- Standard Teaching Credential with specializations in early childhood education, elementary teaching, secondary teaching, or junior college teaching, authorizing the holder to teach any adult class; credential valid until revoked
- Standard Designated Subjects Teaching Credential Limited to Classes Organized Primarily for Adults, authorizing the holder to teach only those subjects designated on the credential; credential valid until revoked

The Standard Designated Subjects Teaching Credential Limited to Classes for Adults may be issued for full-time or part-time employment. The "full-time" credential requires four years of appropriate education and/or appropriate successful experience obtained after high school graduation in the subject(s) to be named on the credential plus four semester hours of course work in the principles, methods, and materials of adult education (California Administrative Code, Title 5, Section 6370).

The "part-time" credential requires the education and/or experience indicated above plus a written statement made by a school district official (or County Superintendent of Schools) that the applicant will be employed to teach the subject(s) listed on the credential for not more than 120 clock hours per year.

The Standard Designated Subjects Teaching Credential helps make available for instructional programs persons from the community with expertise in special fields. In addition, persons who have completed four years of college, but who have not pursued a teacher training program, may be authorized for service in classes for adults. As a general matter of policy, such persons may be authorized to teach subjects in which they have earned at least 12 semester credits.

Division 7 of the California Administrative Code, Title 5, outlines in detail the requirements, conditions, and authorizations relating to teaching credentials.

Additional advice and assistance may be obtained from either the appropriate office of the County Superintendent of Schools or from the Commission for Teacher Preparation and Licensing.

NOTE: The Commission for Teacher Preparation and Licensing does not issue credentials authorizing service in community colleges on an original issuance basis. Credentials issued prior to January 1, 1971, will be renewed by the Commission when the application for renewal is received on or before the expiration date of the credential and the applicant has completed renewal requirements.

CHAPTER V
Teacher Benefits

TENURE

Whether the concept of teacher tenure is viewed as a necessary protection against the whims and vagaries of school administrators and governing boards or held in contempt as a device for encouraging incompetence, tenure structure is a fact -- a reality that is overrated by some, underrated by others, and generally misunderstood, especially as it applies to part-time teachers.

In the State of California, there are three classifications for teachers assigned to less than full-time positions: temporary, probationary, and permanent.

Since, from a legal and practical point of view, probationary classification is equivalent to tenure classification (dismissal for cause only, prescribed dismissal procedures, and chronology for dismissal notification), the two will be presented here as related situations. Temporary classifications will be presented separately.

PROBATIONARY/PERMANENT EMPLOYEES

Part-time employees teaching classes for adults have often commented about the lack of protection or job security for persons in such positions. While Education Code provisions are not always clear, and local policies, regulations, and interpretations are not always consistent, there is a degree of protection or security available to part-time teachers.

If a certificated employee is not classified otherwise (i.e., temporary, substitute, or permanent), he shall be classified as a probationary employee (Education Code Section 13334). Such "classification shall be made at the time of employment and thereafter in the month of July of each school year" (Education Code Section 13335).

Education Code Section 5101 describes the school year as beginning on the first day of July and ending on the last day of June. Section 13328 defines a complete school year as follows: "A probationary employee who, in any one school year, has served for at least 75 percent of the number of days the regular schools of the district in which he is employed are maintained shall be deemed to have served a complete school year. In case of evening schools, 75 percent of the number of days the evening schools of

the district are in session shall be deemed a complete school year."

NOTE: Education Code Section 5701 and California Administrative Code, Title 5, Section 10500 include "evening schools" as part of the broader category, "adult schools" and/or "classes for adults."

Education Code Section 13304 states: "Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district."

The provisions of the Education Code cited in the previous three paragraphs make no allusion to teaching loads. Rather, the references are to positions requiring certification qualifications in general. However, the teaching assignment of a person employed for less than full-time does (except as noted in subsequent situations) determine the degree or extent of protection and security afforded by permanent classification (tenure).

Prior to 1967, a kind of fractional tenure was available to part-time instructors, referred to hereafter as tenure load as related to teaching load, since the latter determined the former. (For a discussion of changes occurring in 1967, see "Temporary Employees" below.)

Education Code Section 13309 provides for tenure of teachers of classes for adults as follows: "When a teacher of classes for adults serves sufficient probationary time . . . to be eligible for election to permanent classification in that district, his tenure shall be for such service as is equivalent to the average number of hours per week which he has served during his probationary years. In no case shall such an employee be classified as permanent for more than one full-time assignment . . . ." (The same section also defines certain exceptions applying in districts with an average daily attendance of 400,000 or more.)

If a part-time employee had been hired, for instance, at the beginning of the 1962-63 school year to teach adult classes four nights a week, three hours per night, and continued that assignment for three consecutive years, and was hired for the fourth year for that same assignment, he would in fact have achieved permanent classification with a tenure load of 12 hours per week. If, however, the employee taught only two nights per week (and assuming the adult school maintained classes four or five nights and/or days per week), he would not achieve permanent classification since his assignment did not constitute a complete year of service (Education Code sections 13328 and 13304).

TEMPORARY EMPLOYEES

Education Code Section 13446 provides: "Governing boards of school districts may dismiss temporary employees requiring certification qualifications at the pleasure of the board . . . ."

Education Code Section 13337 provides: "Governing boards of school districts shall classify as temporary employees those persons requiring certification qualifications, other than substitute employees, who are employed to . . . teach in special day and evening classes for adults . . .for not more than four school months of any school term. If the classes or duties continue beyond the first . . . four school months for special day and evening classes for adults, . . . the certificated employee, unless a permanent employee, shall be classified as a probationary employee. The school year may be divided into not more than two school terms for the purposes of this section . . . ." This section makes specific reference to special day and evening classes for adults and to schools of migratory population, and hence general application to all classes for adults seems unwarranted. In a few cases, however, county counsel opinions have held that any teacher in classes for adults whose employment continues beyond the four-month period indicated in Section 13337 shall be classified as a probationary employee.

In 1967, Education Code Section 13337.5 was amended to read (in part) as follows: ". . . Notwithstanding any other provisions to the contrary, any person who is employed to teach adult or junior college classes for not more than 60 percent of the hours per week considered a full-time assignment for permanent employees having comparable duties shall be classified as a temporary employee . . . ." The same section also states that such temporary employees shall not become probationary employees under the provisions of Section 13446. In this respect, if district policy defines the service requirement of a full-time position as 25 hours per week, an instructor whose teaching assignment in classes for adults totals 12 hours per week would be classified as temporary since the assignment is "not more than 60 percent" of a comparable full-time assignment, and subsequent service would not count toward classification as a permanent employee. Any decision, however, relating to the above provision should be made only after careful and thorough investigation, since county counsels have ruled that Section 13337.5 refers only to the governing board of a school district maintaining a community college.

NOTE: As a point of reference, school districts, in preparing the Annual School District Employee Ratio Report (Report Form R-2), are instructed to determine full-time equivalents for adult education teachers by dividing the total hours of instruction planned or budgeted for the program by 900. This approximates a full school year at the rate of five hours of instruction per day.

SPECIAL PROGRAMS

Until recently, the service of a teacher "in classes organized under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Adult Education Act of 1966, or Section 11300 or Section 4012 of the Welfare and Institutions Code" was not included as service required for classification as a permanent employee, unless the instructor had previously taught in the district's regular educational programs and was subsequently assigned to the special programs indicated above.

During the 1970 session of the California legislature, however, Education Code Section 13329.1 was repealed, and Section 13329 was amended to read as follows: "Service by a person as an instructor in classes conducted under contract with public or private agencies shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

"This section shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in the regular educational programs of the school district as a probationary employee before being subsequently assigned to any one of these programs."

NOTE: In at least one California school district, care is taken to clearly indicate that the receipt of funds for specially funded programs constitutes a contract to provide the educational services requested. All literature, including board reports and correspondence, indicates that such special programs are contract programs and that, therefore, service in such programs is not "tenure earning."

RETIREMENT BENEFITS

The eligibility of part-time personnel for membership in retirement systems is a rather involved and complicated area of consideration. There are three alternative systems (excluding those of districts and/or counties maintaining their own retirement plans) available to part-time personnel, depending upon their workload, the character of the program in which they are employed, and choices or options exercised by local districts.

STATE TEACHERS' RETIREMENT SYSTEM (STRS)

In most cases, any person who teaches in a certificated position in classes for adults in the amount of 24 or more hours per pay period (i.e., not less than four weeks, nor more than one calendar month) is eligible for membership in the STRS (Education Code Section 13964). Section 13965 excludes from STRS membership adult education instructors employed to teach classes which have a duration of less than one semester or less than one 12-week quarter, if the district operates its adult education program on that basis. Once membership in the STRS is established, it remains active and valid, regardless of subsequent teaching assignments. For example, if a teacher performs 24 hours of certificated service during a given pay period, membership is established regardless of hours of service or teaching assignments during subsequent pay periods.

Until recently, persons who were not already members of STRS, and who were hired as instructors in classes organized under the Manpower Development and Training Act of 1962 (MDTA), the Economic Opportunity Act of 1964 (EOA), the Adult Education Act of 1966 (ABE), and certain sections of the Welfare and Institutions Code were excluded from membership in STRS (Education Code Section 13967). However, beginning July 17, 1970,

such exclusions were eliminated with the repeal of Education Code Section 13967, and such persons are now eligible for membership.

A summarization and detailed explanation of the State Teachers' Retirement System are included in "Laws and Regulations Governing the State Teachers' Retirement System," published by the State Teachers' Retirement Board in Sacramento in November, 1969. Specific information regarding procedures, interpretations of regulations, and recent changes in legal requirements may be obtained at the offices of the County Superintendents of Schools throughout the state, or by contacting the State Teachers' Retirement System, 1416 Ninth Street, Room 815, Sacramento 95814.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)

Prior to July 17, 1970, certain teachers in specified programs were excluded from membership in STRS who may have qualified for membership in PERS, if their service assignment was half time or more, was regular and continuous, and was expected to last more than one work year.

Effective July 17, 1970, teachers "formerly excluded from membership in STRS because of service as instructors in . . . (special) programs . . . who, as a result, became members of . . . PERS, will remain members of that system. If they terminate their employment by resignation in any of these categories and again become employed in any of these programs . . . or any other position requiring membership in STRS, they are then required to be members of STRS. However, Education Code Section 13969 provides that such persons, when reemployed in any position now requiring membership in STRS, may elect to continue as members of PERS (following prescribed procedures).[1]

(In at least one California district, membership in STRS is made a condition of employment in specially funded programs. That is, if a prospective teacher is a PERS member, qualified for STRS membership, but chooses to retain membership in PERS, the offer of employment is withdrawn.)

Specific information and procedures regarding the PERS may be obtained through the office of County Superintendent of Schools or from the Public Employees' Retirement System, 1416 Ninth Street, P. O. Box 1953, Sacramento 95809.

SOCIAL SECURITY

In many instances, teachers currently employed would be excluded from both the STRS and the PERS. However, it is possible to establish eligibil-

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[1] STRS Administrative Directive No. 70-3. Sacramento: State Teachers' Retirement System, August 19, 1970.

ity for participation in programs of retirement benefits under regulations of the Social Security Administration. The following statements were included in a memo dated June 13, 1969, from the PERS to the offices of the County Superintendents of Schools:

> The governing body of a school district may extend Social Security coverage to individuals in the school district in positions in which they do not receive credit for their services in a retirement system. The coverage could relate to positions that are covered under the State Teachers' Retirement System and/or to positions that are covered under the Public Employees Retirement System, where the individual in the position for some reason does not receive retirement system credit for his services. The school district may restrict the coverage to positions covered by only one retirement system, e.g., the State Teachers' Retirement System, where the individuals in the positions covered under STRS do not receive STRS credit for the services in the positions.
>
> . . . There are other individuals who teach during the day and receive eight hours' credit in the STRS and then are also employed in the evening adult education programs. It is our understanding the evening service is performed in a second position in which the individual does not receive credit in the STRS. In both examples, the individuals would be considered "ineligibles" in the second position, and thus could be covered under Social Security.

Specific references and inquiries regarding policies and procedures relating to Social Security coverage for certain positions should be directed to the local office of the County Superintendent of Schools or to the Social Security Division, Public Employees' Retirement System, 1416 Ninth Street, P. O. Box 1953, Sacramento 95809.

LEAVES OF ABSENCE

Education Code Section 13543 states: "Governing boards of school districts may grant leaves of absence to persons employed in positions requiring certification qualifications." In some cases, the granting of leaves of absence is mandated. In other instances, the granting of such leaves (and the procedures involved) is authorized at the option of the local governing board. For example, sick leave and leaves of absence for pregnancy must be provided certificated employees (Education Code sections 13468 and 13456). Leaves of absence for study and travel, however, may be granted at the discretion of the local governing board (Education Code Section 13457). Other sections and subsections include certain regulations related to the granting of leaves. In only two cases, however (sick leave and bereavement leave), does the Education Code mandate and define procedures for compensation of certificated employees for leaves of absence.

SICK LEAVE

Education Code Section 13468 provides for leaves of absence with full

pay for illness or injury. The same section stipulates that certificated employees "employed for less than five school days a week shall be entitled, for a school year of service, to that proportion of 10 days' leave of absence for illness or injury as the number of days he is employed per week bears to five and is entitled to . . . additional days . . ." as provided by the local governing board. As this section applies to part-time teachers who are paid on an hourly basis, the amount of annual sick leave to which such a part-time employee is entitled is twice the number of hours of service per week rendered by the employee. For example, if the assignment of a part-time teacher requires six hours of service per week, that employee is entitled to 12 hours of sick leave per year. In some districts, policies have been established to grant one hour of sick leave for each 17 to 18 hours of service rendered, an arrangement which approximates the basis upon which sick leave is granted to full-time employees.

NOTE: The logical extension of the California State Attorney General's Opinion No. 49-145 would support the position that part-time adult education teachers are entitled to sick leave based upon that part-time adult assignment, regardless of other work commitments or assignments. Any device, technique, or system which denies the granting of such leave is contrary to accepted policies.

Education Code Section 13468 also provides for year-to-year accumulation of earned sick leave and stipulates that "Credit for [such] leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the school year . . ."

Education Code Section 13468.1 authorizes and defines procedures for the transfer of accumulated sick leave of certificated employees from one school district to another. California State Department of Education Form PSA-12, "Transfer of Accumulated Sick Leave," should be obtained from the district to which such leave is being transferred.

BEREAVEMENT LEAVE

Leaves of absence on account of the death of any member of an employee's immediate family are authorized and defined in Education Code Section 13470. While this section makes no specific reference to part-time employees, it does state that "every person employed by a school district in a position requiring certification qualifications is entitled to [bereavement leave]."

In practice, some local governing boards do authorize bereavement leaves for part-time teachers, while others do not. Similar inconsistencies exist in other areas as well, with some districts making allowances for leave without loss of salary in cases of personal emergencies (situations requiring the presence of the employee) and other unusual circumstances beyond the control of the employee which, by their nature, require him to be absent from the performance of assigned duties.

FRINGE BENEFITS

In most cases, the availability of fringe benefits to part-time teachers is limited both in scope and degree. For purposes of discussion here, fringe benefits are those incidental expenses supported by district funds and/or services provided by district personnel.

The extent to which fringe benefits are made available varies widely from district to district. In one case, it is possible for a part-time teacher to qualify for a district "package" of benefits with a teaching load of only eight hours per week. In other districts, fringe benefits and services are available only to full-time, contract personnel. As a general rule, districts which do provide fringe benefits to part-time personnel require a weekly service commitment of 15 to 20 hours.

Approximately half of the districts surveyed for this study provide such benefits and services as payroll deduction of premiums (where applicable) and professional dues, as well as paid leaves of absence for personal emergencies. Very few districts, however, (less than 10 percent) qualify part-time personnel for membership in group insurance plans in which the district pays all or part of the premiums.

Holiday pay for part-time personnel is found infrequently as part of established policy. In those districts where such provisions are made, teachers whose classes do not convene as scheduled because of a legal or declared holiday receive compensation for the number of hours of instruction lost as a result of the holiday.

Whatever the type and/or extent of fringe benefits may be, the provision of such benefits may represent a significant cost factor to districts. However, if recruitment and retention of good teachers are to be achieved and maintained, and if the ideal of equitable status for adult education personnel is to be achieved, the provision of benefits and services to all personnel must be encouraged.

CHAPTER VI
Evaluation and Supervision

The importance of careful selection of staff members has been discussed previously. Seldom, however, is the selection process so perfect that employees require no further attention or assistance once their names have been added to the staff roster. Careful selection, judicial supervision, and periodic evaluation combine to reduce dismissal situations.

In far too many cases, the only teachers who receive attention are those whose class attendance has fallen below the established or assumed minimum. Usually, by the time attendance has dropped, supervision and evaluation are too late. Supervision is especially important during the early periods of employment.

The rate of teacher turnover in most adult education programs is relatively low. Consequently, only a few new teachers enter the program at any given time. An adminstrator's supervisorial time, energy, and talent should be concentrated on those few until he is satisfied that performance is satisfactory. In this respect, it is vitally important to conduct preservice sessions with new employees (either individually or in small groups) to discuss not only the mechanics of a given assignment, but the importance of recognizing and dealing with the challenges of teaching adults.

In times and circumstances in which increasing importance is placed upon accountability of performance, the implications of effective supervision and evaluation are obvious. During the 1971 legislative session, sections 13485 through 13489 were added to the Education Code, mandating the development and adoption of specific evaluation and assessment guidelines for the evaluation of certificated personnel. The new provisions require an annual evaluation of probationary employees and at least a biennial evaluation of permanent certificated employees. Evaluation takes place consciously and unconsciously, formally and informally, objectively and subjectively--rarely, if ever, unilaterally. Many adult education administrators are not required to record or report the results of their evaluations of staff members. Others follow very elaborate procedures. A staff evaluative record is valuable. It not only serves to note the special talents and achievements of competent teachers, but may also serve as a record of progress of seemingly marginal employees.

Many types of instruments have been devised for evaluative functions, ranging from inventory-like checklists to simple anecdotal records or comments. In some cases, the evaluation "form" is completed only by the administrator, examined by the employee, and signed by both. On the other hand, in one district, the employee evaluation form is completed by the administrator, at least one other member of the teaching staff, and by the employee himself. The final evaluative record is a composite of the three points of view.

Regardless of the style and format of evaluation, the primary aim should be the identification of strengths and positive values. The purpose of organization is to make strength productive. It cannot overcome weaknesses, but it can reduce their impact. The task is to use the strength of each person to enhance corporate performance.[1]

Peter and Hull have expressed the importance of strengths and productive activities in another way:

> The competence of an employee is determined not by outsiders but by his superior in the hierarchy. If the superior is still at a level of competence, he may evaluate his subordinates in terms of the performance of useful work--for example, the applying of medical services or information, the production of sausages or table legs, or achieving whatever are the stated aims of the hierarchy. That is to say, he evaluates output.
>
> But if the superior has reached his level of incompetence, he will probably rate his subordinates in terms of institutional values: he will see competence as the behavior that supports the rules, rituals, and forms of the status quo. Promptness, neatness, courtesy to superiors, internal paperwork, will be highly regarded. In short, such an official evaluates input.[2]

Supervision is a continuous process of discovery -- observing, listening, discussing, and suggesting. It is a constructive process, a most important managerial tool if the process provides not only for the recognition of weaknesses, but also for the identification and utilization of strengths.

As a form of criticism, supervision at its best provides for and encourages two-way communication. Whether the supervision function is taking place in the teacher's classroom, the administrator's office, in the halls, the coffee room, or the lounge, it should provide for an exchange of ideas and feelings. The following checklist outlines several points to consider in developing effective supervisory procedures.

- Make sure your criticisms are fair. Avoid letting judgment be influenced by personal bias.
- Understand your employees. Recognize individual behavior patterns and act accordingly.
- Criticize privately. Nothing really constructive is gained by criticism delivered in the presence of colleagues or students.

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[1]Peter J. Drucker, Effective Executive, New York: Harper & Row, Publishers, 1967, p. 71.

[2]Laurence J. Peter and Raymond Hull, Peter Principle, New York: Bantam Books, Inc., 1970, p. 25. (Copyrighted by William Morrow and Company, Inc., 1969. Reprinted by permission.)

- Be certain of your facts. Investigation of circumstances may put behavior in a perspective unlike the one assumed.

- Listen to the employee's story. If you won't listen to him, he probably won't listen to you.

- Try to find the cause of the difficulty. If you point out a weakness, but fail to suggest any corrective measure, you are doing only half the job.

- Don't humiliate a subordinate. The destruction of pride and dignity does not contribute to the solution of a problem.

- Fit the criticism to the offense. Overreaction reduces the effectiveness of criticism.

- Make criticism a part of positive employee communications. Encourage discussion of weaknesses and ways to correct them.

- Use good timing. Experience develops the sense of timing between too sudden and too late.

- Base criticism on sound judgment. If the overall type of leadership displayed is one of confidence and reason, criticism is more productive.

- Follow up with training. It is essential to show the employee how to overcome deficiencies.[3]

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[3] Black, op. cit., pp. 60-63.

CHAPTER VII

Dismissal Procedures

Any conscientious adult education administrator will, at some time, face the unpleasant task of dismissing an employee. The dismissal may take place in a cordial "counseling out" session, hopeful that the employee will find success in a different situation. Or it may be a bitter encounter, complete with charges and countercharges, with termination of employment the only recognizable goal. In any case, dismissal procedures and techniques are used only when other efforts have failed.

PERMANENT EMPLOYEES

Specific procedures have been established outlining the responsibilities, rights, and requirements of all concerned parties in the dismissal of a permanent employee (Education Code Sections 13403 through 13414).

Education Code Section 13403 states that "no permanent employee shall be dismissed except for one or more" specific causes. An examination of the causes so specified makes obvious the need for careful supervision and evaluation. If dismissal procedures are anticipated in a given case, complete and detailed documentation of behavior and circumstances is a necessity.

Notification of intention to dismiss a permanent employee "shall not be given between May 15th and September 15th in any year" (Education Code Section 13405). In cases involving charges of unprofessional conduct or incompetency, the employee must have been notified of specific instances of behavior giving rise to the charges "during the preceding term or half school year prior to the date of the filing of the charge (to dismiss), and at least 90 days prior to the date of the filing . . ." in order for the employee to "correct his faults and overcome the grounds for such charge" (Education Code Section 13407).

In any case, the dismissal of a permanent employee requires careful attention to detail and procedure and should be initiated only after the best efforts of constructive supervision and guidance have failed.

PROBATIONARY EMPLOYEES

Education Code Section 13442 states: "Governing boards of school districts shall dismiss probationary employees during the school year for cause only, as in the case of permanent employees."

Education Code Section 13443 outlines procedures to be followed in ini-

tiating and effecting the dismissal of probationary employees. Notice of intention not to reemploy must be submitted to the governing board and the employee no later than March 15 and must state the reasons for such dismissal. The employee may request a hearing to determine if there is cause for such action. The "board's determination not to reemploy a probationary employee for the ensuing year shall be for cause only," and must be given to the employee no later than May 15.

TEMPORARY EMPLOYEES

As mentioned previously, Education Code Section 13446 states that temporary employees may be dismissed "at the pleasure of the board." The section also states that a "temporary employee who is not dismissed during the first three school months . . . and who has not been classified as a permanent employee shall be deemed to have been classified as a probationary employee from the time his services as a temporary employee commenced."

However, Education Code Section 13337.5, in defining temporary employees relating to adult classes states specifically that such temporary employees shall not become probationary employees under the provisions of Section 13446.

CHAPTER VIII

The Classified Staff

The classified staff of adult education programs ranges in size from a single part-time clerk to large staffs involving clerks, typists, secretaries, custodians, and other personnel required for the noninstructional phases of the program. Such positions as teacher aides, counseling aides, and other similar paraprofessionals are also considered legally as part of the classified staff.

NONINSTRUCTIONAL PERSONNEL

The impact and importance of the quality of the classified staff should not be minimized. In most cases, for instance, the first contact, and therefore the first impression, is made by a receptionist, clerk, or secretary when a prospective adult student enters the school office. Therefore, it is vitally important to the program in general that this first contact be a pleasant one. The person assigned to receive new students should be sensitive to the needs of people who are approaching what they may well feel to be an unfamiliar, if not threatening, situation. The receptionist should also be well informed as to procedures, knowledgeable about staff functions, and aware of her own responsibilities and limitations.

In many cases, the classified staff of an adult education program will be asked to cooperatively perform above and beyond the call of duty, resulting from the necessity of sharing facilities, equipment, and supplies with day school staff members. It is imperative that the problems related to sharing facilities be anticipated and that the administrators of the programs involved design workable cooperative arrangements for such sharing.

The custodial staff, whether under the direct or indirect supervision of the adult administrator, should be adequately informed regarding class schedules (and particularly of any change in scheduling), cleaning assignments, and other duties (such as rearrangement of furniture and use of audiovisual equipment) as required. In the area of custodial services, it is also important to have duties and responsibilities clearly outlined and cooperatively issued by all administrators involved in the supervision of the custodial staff.

INSTRUCTIONAL AIDES

The availability of appropriate funding, particularly through federally-supported programs, has given impetus to the use of instructional aides in adult education classes.

The Instructional Aide Act of 1968 establishes a clear legal basis for school districts to employ noncertificated personnel to assist teachers in supervision and instruction of students. Education Code Section 13599.3 defines instructional aide as a "person employed to assist classroom teachers and other certificated personnel in the performance of their duties and in the supervision of pupils and in instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher."

Because of the responsibilities which may be assumed by an instructional aide and because of the added implications of "sharing" instructional duties, the importance of careful selection and effective training of such paraprofessionals is clear. If instructional aides (whether they carry the title of "teacher aide," "counseling aide," or other appropriate title) are to be a real asset to a given program, they must be involved in the philosophy, policies, and practices followed by the entire instructional staff.

Legal requirements relating to classified employees are contained in Division 10, Chapter 3, of the California Education Code, sections 13580 through 13777.

CHAPTER IX

Professional Responsibilities

When a person assumes the title and role of teacher, he also assumes the burden of responsible behavior and professional judgment. Professional judgment is the product of training and experience; responsible behavior is a product of meditation and maturation--the development of attitudes and understanding which result in commitment or dedication to a cause or an ideal.

Up to this point, the major consideration in this study has been the rights of part-time certificated persons. However, the subject of rights is difficult to discuss without regard to responsibilities. The identification and establishment of rights necessarily imposes a body of implied responsibilities upon the recipients.

As mentioned in several previous sections, part-time personnel (particularly in adult education programs) represent a nearly unique group. Most part-time adult education teachers regard their employment in adult education as a secondary or incidental endeavor. Because of that attitude, they find it difficult to become professionally involved or committed to teaching adults, even though the positions represent what probably is the most responsible and enjoyable job in the entire education field--teaching and working with adult students who are highly self-motivated, and openly appreciative of the opportunity to learn.

For the sake of education, it is necessary for administrators and teachers alike to recognize the unusual circumstances affecting personnel management with regard to staffing of adult education programs. As the list of rights and privileges accorded part-time teachers grows, a concerted effort must be made to define and understand the responsibilities which also accumulate.

The California Council for Adult Education (an organization composed of adult educators--teachers, counselors, and administrators--from throughout the state) suggests the following areas of responsibility to the profession:

- Work with your fellow teachers and your administrators.
- Cooperate with all personnel in the adult school program and with personnel with whom you share facilities.
- Be an informed representative of your complete adult education program.

- Keep abreast of current literature and practices in your field.

- Join and actively support professional organizations related to adult education and areas of instructional responsibilities.[1]

Teachers of adults must assume responsibilities commensurate with their professional status, rather than viewing assignments only in terms of monetary returns.

In May, 1968, the California State Board of Education adopted the following policy statement:

> To fulfill its immediate and long-term responsibilities, adult education in California high school and unified districts should have the following objectives:
>
> 1. To help individuals understand the development and functioning of our governmental institutions, the rights and responsibilities of citizenship, and the background of current issues so that they may play more meaningful roles in society
>
> 2. To provide educational experiences through the high school level which will enable individuals to understand their physical and social environment
>
> 3. To enable individuals to understand, appreciate, and enjoy culture, fine arts, and the humanities; to develop their special talents and enrich their personal lives
>
> 4. To help adults improve the quality of their family life and give their children the maximum benefits of the home environment
>
> 5. To enable individuals to be employable, upgrade their skills in their present occupation, and train or retrain for a new occupation
>
> 6. To play a dynamic role in providing community development and services which will encourage individuals and groups to participate meaningfully in community life

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[1] "Professional Qualifications and Responsibilities for Teachers of Adults." Sacramento: California Council for Adult Education, 1958.

7. To provide counseling and guidance services to adults so that they may plan for and select those educational experiences which will most effectively help them achieve the above objectives.

These objectives, by their general nature, do not perhaps satisfy the specific needs of individual programs. They do, however, constitute a sound base upon which to build. Each individual adult school staff must cooperatively develop specific objectives to meet the needs of their special circumstances.

Administrators and teachers alike should have clearly established goals and objectives, not only for themselves but for the total adult education program. Without such goals and objectives it is highly unlikely that either rights or responsibilities can be well defined and functional. If an individual or group maintains a hazy concept of where they are, they can never be expected to understand very clearly where they are going; and if their sense of direction is hazy, the manner in which they attempt to travel is considerably less than satisfying or effective.

APPENDIX

Selected Education Code Sections

5101. The school year begins on the first day of July and ends on the last day of June.

5701. Adult schools, evening high schools and evening community colleges shall consist of classes for adults. Minors may be admitted to such classes pursuant to Section 5706.

13304. Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is re-elected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district.

13308. The governing board of a school district which employs in a position requiring certification qualifications any person who has become a permanent certificated employee in any school district may employ such person as a permanent certificated employee.

13309. When a teacher of classes for adults serves sufficient probationary time as provided in Sections 13303 to 13308 and 13328 to be eligible for election to permanent classification in that district, his tenure shall be for such service as is equivalent to the average number of hours per week which he has served during his probationary years. In no case shall such an employee be classified as permanent for more than one full-time assignment. The service for which such a person has acquired tenure may be reduced in conformity with Sections 13447 and 13448.

Notwithstanding any other provision to the contrary, in a district which has, or in a district which is one of two or more districts governed by governing boards of identical personnel which have a combined, average daily attendance of 400,000 or more, as shown by the annual report of the county superintendent of schools for the preceding fiscal year, no person who is assigned 10 hours or less a week in adult classes in such a district shall be eligible for election to permanent classification in such district on account of such assignment in adult classes.

13328. A probationary employee who, in any one school year, has served for at least 75 percent of the number of days the regular schools of the district in which he is employed are maintained shall be deemed to have served a complete school year. In case of evening schools, 75 percent of the number of days the evening schools of the district are in session shall be deemed a complete school year.

13329. Service by a person as an instructor in classes conducted under contract with public or private agencies shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

This section shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in the regular educational programs of the school district as a probationary employee before being subsequently assigned to any one of these programs.

13334. Governing boards of school districts shall classify as probationary employees, those persons employed in positions requiring certification qualifications for the school year, who have not been classified as permanent employees or as substitute employees.

13335. The classification shall be made at the time of employment and thereafter in the month of July of each school year.

13337. Governing boards of school districts shall classify as temporary employees those persons requiring certification qualifications, other than substitute employees, who are employed to serve from day to day during the first three school months of any school term to teach temporary classes not to exist after the first three school months of any school term or to perform any other duties which do not last longer than the first three school months of any school term, or to teach in special day and evening classes for adults or in schools of migratory population for not more than four school months of any school term. If the classes or duties continue beyond the first three school months of any school term or four school months for special day and evening classes for adults, or schools for migratory population, the certificated employee, unless a permanent employee, shall be classified as a probationary employee. The school year may be divided into not more than two school terms for the purposes of this section.

In any district, the governing board may, to prevent the stoppage of school district business when an actual emergency arises and persons are not immediately available for probationary classification, make an appointment to a position on a temporary basis for a period not to exceed 20 working days. The person so appointed shall be deemed to be a temporary employee who is employed to serve from day to day. Service by a person in such an appointment on a temporary basis shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

13337.5. Notwithstanding the provisions of Section 13337, the governing board of a school district maintaining a community college may employ as a teacher in grade 13 or grade 14, for a complete school year but not less than a complete semester or quarter during a school year, any person holding appropriate certification documents, and may classify such person as a temporary employee. The employment of such persons shall be based upon the need for additional certificated employees for grades 13 and 14 during a particular semester or quarter because of the higher enrollment of students in those grades during that semester or quarter as compared to the other semester or quarter in the academic year, or because a certificated employee has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of

persons so employed, to that need, as determined by the governing board.

Such employment may be pursuant to contract fixing a salary for the entire semester or quarter.

No person shall be so employed by any one district for more than two semesters or quarters within any period of three consecutive years.

Notwithstanding any other provision to the contrary, any person who is employed to teach adult or community college classes for not more than 60 percent of the hours per week considered a full-time assignment for permanent employees having comparable duties shall be classified as a temporary employee, and shall not become a probationary employee under the provisions of Section 13446.

13403. No permanent employee shall be dismissed except for one or more of the following causes:

(a) Immoral or unprofessional conduct.

(b) Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof.

(c) Dishonesty.

(d) Incompetency.

(e) Evident unfitness for service.

(f) Physical or mental condition unfitting him to instruct or associate with children.

(g) Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school district employing him.

(h) Conviction of a felony or of any crime involving moral turpitude.

(i) Violation of Section 9031 of this code or conduct specified in Section 1028 of the Government Code, added by Chapter 1418 of the Statutes of 1947.

(j) Violation of any provision in Sections 12952 to 12958, inclusive, of this code.

(k) Knowing membership by the employee in the Communist Party.

13404. Upon the filing of written charges, duly signed and verified by the person filing them, with the governing board of the school district, or upon a written statement of charges formulated by the governing board, charging that there exists cause for the dismissal of a permanent employee of the district, the governing board may, upon majority vote, except as provided in this article if it deems the action necessary, give notice to the permanent employee of its intention to dismiss him at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in this article.

Any written statement of charges of unprofessional conduct or incompetency shall specify instances of behavior and the acts or omissions constituting the charge so that the teacher will be able to prepare his defense. It shall, where applicable, state the statutes and rules which the teacher is alleged to have violated, but it shall also set forth the facts relevant to each occasion of alleged unprofessional conduct or incompetency.

13405. The notice shall not be given between May 15th and September 15th in any year. It shall be in writing and be served upon the employee personally or by United States registered mail addressed to him at his last

known address. A copy of the charges filed, together with a copy of the provisions of this article, shall be attached to the notice.

13406. If the employee does not demand a hearing by filing a written request for hearing with the governing board, he may be dismissed at the expiration of the 30-day period.

13407. The governing board of any school district shall not act upon any charges of unprofessional conduct or incompetency unless during the preceding term or half school year prior to the date of the filing of the charge, and at least 90 days prior to the date of the filing, the board or its authorized representative has given the employee against whom the charge is filed, written notice of the unprofessional conduct or incompetency, specifying the nature thereof with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his faults and overcome the grounds for such charge. The written notice shall include the evaluation made pursuant to Article 5.5 (commencing with Section 13485 of this chapter. "Unprofessional conduct" and "incompetency" as used in this section means, and refers only to, the unprofessional conduct and incompetency particularly specified as a cause for dismissal in Section 13403 and does not include any other cause for dismissal specified in that section.

13408. Upon the filing of written charges, duly signed and verified by the person filing them with the governing board of a school district, or upon a written statement of charges formulated by the governing board, charging a permanent employee of the district with immoral conduct, conviction of a felony or of any crime involving moral turpitude, with incompetency due to mental disability, with willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the employing school district, with violation of Section 9031, with knowing membership by the employee in the Communist Party or with violation of any provision in Sections 12952 to 12958, inclusive, the governing board may, if it deems such action necessary, immediately suspend the employee from his duties and give notice to him of his suspension, and that 30 days after service of the notice, he will be dismissed, unless he demands a hearing.

If the permanent employee is suspended upon charges of knowing membership by the employee in the Communist Party or for any violation of Section 9031, 12952, 12953, 12954, 12957, or 12958, he may within 10 days after service upon him of notice of such suspension file with the governing board a verified denial, in writing, of the charges. In such event the permanent employee who demands a hearing within the 30-day period shall continue to be paid his regular salary during the period of suspension and until the entry of the decision of the Commission on Professional Competence, if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of suspension in case the decision of the Commission on Professional Competence is that he shall be dismissed. If it is determined that the employee may not be dismissed, the school district shall reimburse the employee for the cost of the bond.

13409. Whenever any certificated employee of a school district is

charged with the commission of any sex offense as defined in Section 12912 by complaint, information or indictment filed in a court of competent jurisdiction, the governing board of the school district shall immediately place the employee upon compulsory leave of absence for a period of time extending for not more than 10 days after the date of the entry of the judgment in the proceedings. The governing board of the school district may extend the compulsory leave of absence of the employee beyond such period by giving notice to the employee within 10 days after the entry of judgment in the proceedings that the employee will be dismissed at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in this article.

Any employee placed upon compulsory leave of absence pursuant to this section shall continue to be paid his regular salary during the period of his compulsory leave of absence if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of the compulsory leave of absence in case the employee is convicted of such charges, or fails or refuses to return to service following an acquittal of the offense or dismissal of the charges. If the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall reimburse the employee for the cost of the bond upon his return to service in the school district.

If the employee does not elect to furnish bond, or other security acceptable to the governing board of the district, and if the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall pay to the employee his full compensation for the period of the compulsory leave of absence upon his return to service in the school district.

Whenever any certificated employee of a school district is charged with the commission of any narcotics offense as defined in Section 12912.5, or a violation of subdivision 1 of Section 261 of the Penal Code, Sections 11530 to 11532, inclusive, 11540, or 11910 to 11915, inclusive, insofar as such sections relate to subdivision (c) of Section 11901, of the Health and Safety Code, by complaint, information, or indictment filed in a court of competent jurisdiction, the governing board of the school district may immediately place the employee upon compulsory leave in accordance with the procedure in this section.

13410. The notice of suspension and intention to dismiss, shall be in writing and be served upon the employee personally or by United States registered mail addressed to the employee at his last known address. A copy of the charges filed, together with a copy of the provisions of this article, shall be attached to the notice. If the employee does not demand a hearing within the 30-day period, he may be dismissed upon the expiration of 30 days after service of the notice.

13411. (a) Any certificated employee may be suspended or transferred to other duties by the governing board if the board has reasonable cause to believe that the employee is suffering from mental illness of such a degree as to render him incompetent to perform his duties.

(b) The governing board shall forthwith, upon any suspension or transfer hereunder, give to the employee a written statement of the facts giving rise to the board's belief, and an opportunity to appear before the board within 10 days to explain or refute the charges.

(c) If, after the employee's appearance before the board, the board decides to continue the suspension or transfer, or if the employee chooses not to appear before the board, the employee shall then be offered, in writing, the opportunity of being examined by a panel of three psychiatrists selected by him from a list of psychiatrists to be provided by the board. To assist the panel in making their determination, the governing board shall supply to the panel, prior to the date scheduled for the psychiatric examination, a list of the duties of the position from which the employee was suspended or transferred. The employee shall continue to receive his regular salary and all other benefits of employment during the period dating from his suspension to the filing of the report of the panel with the governing board.

(d) The psychiatric examination shall be conducted at school district expense within 15 days of any suspension or transfer ordered hereunder. The employee shall submit to the examination, but shall be entitled to be represented by a psychiatrist or physician of his own choice, and any report of the psychiatrist or physician selected by him shall be filed with the panel at the request of the employee.

A written report of the panel on the examination of the suspended or transferred employee shall be submitted to the governing board within 10 days after completion of the examination. A copy shall be supplied to the employee upon request. The report shall contain a finding on whether the employee is suffering from mental illness of such a degree as to render him incompetent to perform his duties.

(e) If a majority of the panel conclude that the employee should be permitted to return to his duties, no written record of the suspension or of the determination of the panel shall be retained, and in all respects any written record concerning the employee shall appear as it did before the suspension was made.

(f) If a majority of the panel find in their report that the employee is suffering from mental illness of such a degree as to render him incompetent to perform his duties, the governing board may, upon receipt of the report, place the employee on mandatory sick leave of absence. Any mandatory sick leave of absence imposed under this section shall not exceed two years, during which period the employee shall be entitled to sick leave, hospital and medical benefits which he accrued during his employment by the governing board but only to the extent of such accrual.

(g) Any employee placed on mandatory sick leave of absence pursuant to this section may in writing immediately demand a hearing. Thereupon the governing board shall file a complaint in the superior court of the county in which the school district or the major part thereof is located, setting forth the charges against the employee and asking that the court inquire into the charges and determine whether or not the charges are true, and if true, whether they constitute sufficient grounds for placing the employee on mandatory sick leave of absence, and for a judgment pursuant to its findings.

(h) If the court finds that the employee was not at the time of the suspension incompetent to perform his assigned duties and should not have been placed on mandatory sick leave of absence, the employee shall be immediately reinstated to the same or a substantially similar position with full back salary, and any written record of the suspension or transfer or any report of the panel shall be destroyed.

(i) If the court confirms the placing of the employee on mandatory sick leave, or if the employee does not seek a hearing, then upon written request

of the employee made not earlier than six months nor later than two years after the date he was placed on mandatory sick leave of absence, a new panel of three psychiatrists shall be convened by, and at the expense of, the governing board to review its original conclusion. If the original conclusion is not changed by the new panel as a result of such review, the employee shall be continued on the mandatory sick leave of absence except that when the employee's total period of absence exceeds two years, the governing board shall either rescind its action and reinstate the employee to the same or a substantially similar position, or shall serve the employee with a notice of intention to dismiss him, and proceed according to Section 13412.

(j) If a majority of the new panel concludes in its report, or any subsequent review thereof, that the suspended employee or employee on mandatory sick leave of absence should be permitted to return to his duties, or if the court so concludes, the governing board shall take immediate action to restore the employee to the position from which he was suspended or transferred or to a substantially similar position.

(k) Every hearing and action by or before the governing board pursuant to this section shall be in executive session, and no decision, action, or occurrence therein shall be made public, unless the employee so requests in writing.

(l) Nothing in this section shall be construed to supersede Section 13443.

13412. When any employee who has been served with notice of the governing board's intention to dismiss him demands a hearing, the governing board shall have the option either (a) to rescind its action, or (b) schedule a hearing on the matter.

13413. In the event a hearing is requested by the employee, the hearing shall be commenced within 60 days from the date of the employee's demand for a hearing. The hearing shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of division 3 of Title 2 of the Government Code, and the Commission on Professional Competence shall have all the power granted to an agency therein.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters which occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the governing board concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

In those causes specified in subdivisions (b), (f), (h), (i), (j), and (k) of Section 13403, the hearing shall be conducted by a hearing officer whose decision shall be binding on the board. In the event the employee is charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of Section 13403, the hearing shall be conducted by a Commission on Professional Competence. One member of the panel shall be selected by the employee, one member shall be selected by the governing board, and one member shall be a hearing officer of the State Office of Administrative Procedure who shall be chairman and a voting member of the competency panel and shall be responsible for assuring that the legal rights of the employee are protected at the hearing. If either the governing board or the employee

for any reason fails to select a commission member at least seven days prior to the date of the hearing, such failure shall constitute a waiver of the right to selection, and the county board of education or its specific designee shall immediately make the selection. When the county board of education is also the governing board of the school district, the selection shall be made by the Superintendent of Public Instruction, who shall be reimbursed by the school district for all costs incident to the selection.

The member selected by the governing board and the member selected by the employee shall have at least five years' experience in the specific educational function of the accused as set forth in Section 13055.

In those instances where the employee has been charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of Section 13403, the decision shall be made, by a majority vote, by the Commission on Professional Competence which shall prepare a written decision containing findings of fact, determinations of issues and a disposition either:

(a) That the employee should be dismissed.

(b) That the employee should not be dismissed.

In those instances where the employee has been charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of Section 13403, the decision of the Commission on Professional Competence shall be deemed to be the final decision of the governing board.

The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

The governing board and the employee shall have the right to be represented by counsel.

If the governing board orders the dismissal of the employee, the governing board and the employee shall share equally the expenses of the hearing, including the cost of the hearing officer. The employee and the governing board shall pay their own attorney fees.

If the governing board orders that the employee not be dismissed, the governing board shall pay all expenses of the hearing, including the cost of the hearing officer, and reasonable attorney fees incurred by the employee.

13414. The decision of the Commission on Professional Competence may, on petition of either the governing board or the employee, be reviewed by a court of competent jurisdiction in the same manner as a decision made by a hearing officer under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The court, on review, shall exercise its independent judgment on the evidence. The proceeding shall be set for hearing at the earliest possible date and shall take precedence over all other cases, except older matters of the same character and matters to which special precedence is given by law.

13442. Governing boards of school districts shall dismiss probationary employees during the school year for cause only, as in the case of permanent employees.

13443. (a) No later than March 15 and before an employee is given notice by the governing board that his services will not be required for the ensuing year, the governing board and the employee shall be given written notice by the superintendent of the district or his designee, or in the case of a district which has no superintendent by the clerk or secretary of the

governing board, that it has been recommended that such notice be given to the employee, and stating the reasons therefor.

If a probationary employee has been in the employ of the district for less than 45 days on March 15, the giving of such notice may be deferred until the 45th day of employment and all time periods and deadline dates herein prescribed shall be coextensively extended.

Until the employee has requested a hearing as provided in subdivisions (b) or has waived his right to a hearing, the notice and the reasons therefor shall be confidential and shall not be divulged by any person, except as may be necessary in the performance of duties; however, the violation of this requirement of confidentiality, in and of itself, shall not in any manner be construed as affecting the validity of any hearing conducted pursuant to this section.

(b) The employee may request a hearing to determine if there is cause for not reemploying him for the ensuing year. A request for a hearing must be in writing and must be delivered to the person who sent the notice pursuant to subdivision (a), on or before a date specified therein, which shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, his failure to do so shall constitute his waiver of his right to a hearing. The notice provided for in subdivision (a) shall advise the employee of the provisions of this subdivision.

(c) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency therein, except that: (1) the respondent shall file his notice of defense, if any, within five days after service upon him of the accusation and he shall be notified of such five-day period for filing in the accusation; (2) the discovery authorized by Section 11507.6 of the Government Code shall be available only if request is made therefor within 15 days after service of the accusation, and the notice required by Section 11505 of the Government Code shall so indicate; and (3) the hearing shall be conducted by a hearing officer who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils thereof, but the proposed decision shall not contain a determination as to the sufficiency of the cause or a recommendation as to disposition, which sufficiency and disposition shall be determined by the governing board. The proposed decision shall be submitted to the governing board on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds. The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

(d) The governing board's determination not to reemploy a probationary employee for the ensuing school year shall be for cause only. The determination of the governing board as to the sufficiency of the cause pursuant to this section shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof and provided that cause shall include termination of services for the reasons specified in Section 13447. The decision made after the hearing shall be effective on May 15 of the year the proceeding is commenced.

(e) Notice to the probationary employee by the governing board that his service will not be required for the ensuing year, shall be given no later than May 15.

(f) If a governing board notifies a probationary employee that his services will not be required for the ensuing year, the board shall, within 10 days after delivery to it of the employee's written request, provide him with a statement of its reasons for not reemploying him for the ensuing school year.

(g) Any notice or request shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid and addressed to the last known address of the employee.

(h) In the event that the governing board does not give notice provided for in subdivision (e) of this section on or before May 15, the employee shall be deemed reemployed for the ensuing school year.

(i) If after request for hearing pursuant to subdivision (b) any continuance is granted pursuant to Government Code Section 11524, the dates prescribed in subdivision (c), (d), (e) and (h) which occur on or after the date of granting the continuance shall be extended for a period of time equal to such continuance.

13446. Governing boards of school districts may dismiss temporary employees requiring certification qualifications at the pleasure of the board. A temporary employee who is not dismissed during the first three school months, or in the case of migratory schools during the first four school months of the school term for which he was employed and who has not been classified as a permanent employee shall be deemed to have been classified as a probationary employee from the time his services as a temporary employee commenced.

13456. The governing board of any school district shall provide for such leave of absence from duty as it deems appropriate for any female employee of the district who is employed in a position requiring certification qualifications and who is required to absent herself from her duties because of pregnancy or convalescence following childbirth, and shall adopt reasonable rules and regulations prescribing the manner of proof of pregnancy, the point during the course of the pregnancy at which leave of absence shall be taken, and the length of time for which the leave of absence shall continue after birth of the child. Anything in Sections 13467 and 13469 to the contrary notwithstanding, the board may also provide in the rules and regulations whether leave granted under this section shall be with or without pay and, if with pay, the amount, if any, to be deducted from the salary due the employee for the period in which the absence occurs.

Nothing in this section shall be construed so as to deprive any employee of sick leave rights under other sections of this code for absences due to illness or injury resulting from pregnancy.

The leave provided for in this section is in addition to any other leave provided for by law.

This section shall not be construed as requiring the governing board of a school district to grant leave under this section only with pay.

13457. The governing board of any school district may grant any employee of the district employed in a position requiring certification qualifi-

cations, a leave of absence for not to exceed one year for the purpose of permitting study or travel by the employee which will benefit the schools and pupils of the district. The governing board may provide that such a leave of absence be taken in separate six-month periods or separate quarters rather than for a continuous one-year period, provided that the leave of absence for both of the separate six-month periods or any or all quarters shall be commenced and completed within a three-year period. Any period of service by the individual intervening between the two separate six-month periods or separate quarters of the leave of absence shall comprise a part of the service required for a subsequent such leave of absence.

If any leave of absence commenced upon within three years prior to the effective date of the amendments to this section adopted at the 1961 Regular Session of the Legislature, was taken in one or more separate periods of less than one year, the period of service intervening between such separate periods shall comprise a part of the service required for a subsequent such leave of absence.

13467. When a person employed in a position requiring certification qualifications is absent from his duties on account of illness or accident for a period of five school months or less, whether or not the absence arises out of or in the course of the employment of the employee, the amount deducted from the salary due him for any month in which the absence occurs shall not exceed the sum which is actually paid a substitute employee employed to fill his position during his absence or, if no substitute employee was employed, the amount which would have been paid to the substitute had he been employed. The school district shall make every reasonable effort to secure the services of a substitute employee.

The governing board of every school district shall adopt a salary schedule for substitute employees. The salary schedule shall indicate a salary for a substitute for all categories or classes of certificated employees of the district.

Excepting in a district the governing board of which has adopted a salary schedule for substitute employees of the district, the amount paid the substitute employee during any month shall be less than the salary due the employee absent from his duties.

When a person employed in a position requiring certification qualifications is absent from his duties on account of illness for a period of more than five school months, or when a person is absent from his duties for a cause other than illness, the amount deducted from the salary due him for the month in which the absence occurs shall be determined according to the rules and regulations established by the governing board of the district. Such rules and regulations shall not conflict with rules and regulations of the State Board of Education.

Nothing in this section shall be construed so as to deprive any district, city, or city and county of the right to make any reasonable rule for the regulation of accident or sick leave or cumulative accident or sick leave without loss of salary for persons requiring certification qualifications.

This section shall be applicable whether or not the absence from duty is by reason of a leave of absence granted by the governing board of the employing district.

13468. Every person employed five days a week by a school district in a position requiring certification qualifications shall be entitled to 10

days' leave of absence for illness or injury and such additional days in addition thereto as the governing board may allow for illness or injury, exclusive of all days he is not required to render service to the district, with full pay for a school year of service. A certificated employee employed for less than five school days a week shall be entitled, for a school year of service, to that proportion of 10 days' leave of absence for illness or injury as the number of days he is employed per week bears to five and is entitled to such additional days in addition thereto as the governing board may allow for illness or injury to certificated employees employed for less than five school days a week; pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day. Credit for leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the school year. If such employee does not take the full amount of leave allowed in any school year under this section the amount not taken shall be accumulated from year to year with such additional days as the governing board may allow.

The governing board of each district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury for the purposes of this section. Such rules and regulations shall not discriminate against evidence of treatment and the need therefor by the practice of the religion of any well-recognized church or denomination.

Nothing in this section shall be deemed to modify or repeal any provision of law contained in Article 3 of Chapter 6 of Division 3 of the Health and Safety Code.

The provisions of Section 13467 relating to compensation, shall not apply to the first 10 days of absence on account of illness or accident of any such employee employed five days a week or to the proportion of 10 days of absence to which such employee employed less than five days a week is entitled hereunder on account of illness or accident or to such additional days granted by the governing board.

13468.1. Any certificated employee of any school district who has been an employee of that district for a period of one school year or more and who accepts a position requiring certification qualifications in another school district at any time during the second or any succeeding school year of his employment with the first district, or who, within the school year succeeding the school year in which such employment is terminated, signifies acceptance of his election or employment in a position requiring certification qualifications in another school district, shall have transferred with him to the second district the total amount of leave of absence for illness or injury to which he is entitled under Section 13468. The State Board of Education shall adopt rules and regulations prescribing the manner in which the first district shall certify to the second district the total amount of leave of absence for illness or injury to be transferred. No governing board shall adopt any policy or rule, written or unwritten, which requires any certificated employee transferring to its district to waive any part or all of the leave of absence which he may be entitled to have transferred in accordance with this section.

13468.5. Any days of leave of absence for illness or injury allowed pursuant to Section 13468 may be used by the employee, at his election, in cases of personal necessity. The governing board of each school district

and each office of county superintendent of schools shall adopt rules and regulations requiring and prescribing the manner of proof of personal necessity for purposes of this section.

The employee shall not be required to secure advance permission for leave taken for any of the following reasons:

(a) Death or serious illness of a member of his immediate family.

(b) Accident, involving his person or property, or the person or property of a member of his immediate family.

No such accumulated leave in excess of six (6) days may be used in any school year for the purposes enumerated in this section.

13470. Every person employed by a school district in a position requiring certification qualifications is entitled to a leave of absence, not to exceed three days, or five days if out-of-state travel is required, on account of the death of any member of his immediate family. No deduction shall be made from the salary of such employee nor shall such leave be deducted from leave granted by other sections of this code or provided by the governing board of the district. The governing board may enlarge the benefits of this section and may expand the class of relatives listed below as members of the immediate family. Members of the immediate family, as used in this section, means the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee.

13485. It is the intent of the Legislature to establish a uniform system of evaluation and assessment of the performance of certificated personnel within each school district of the state. The system shall involve the development and adoption by each school district of objective evaluation and assessment guidelines.

13486. In the development and adoption of these guidelines and procedures, the governing board shall avail itself of the advice of the certificated instructional personnel in the district's organization of certificated personnel.

13487. The governing board of each school district shall develop and adopt specific evaluation and assessment guidelines which shall include but shall not necessarily be limited in content to the following elements:

(a) The establishment of standards of expected student progress in each area of study and of techniques for the assessment of that progress.

(b) Assessment of certificated personnel competence as it relates to the established standards.

(c) Assessment of other duties normally required to be performed by certificated employees as an adjunct to their regular assignments.

(d) The establishment of procedures and techniques for ascertaining that the certificated employee is maintaining proper control and is preserving a suitable learning environment.

13488. Evaluation and assessment made pursuant to this article shall be reduced to writing and a copy thereof shall be transmitted to the certificated employee not later than 60 days before the end of each school year in

which the evaluation takes place. The certificated employee shall have the right to initiate a written reaction or response to the evaluation. Such response shall become a permanent attachment to the employee's personnel file. Before the end of the school year, a meeting shall be held between the certificated personnel and the evaluator to discuss the evaluation.

13489. Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis, at least once each school year for probationary personnel, and at least every other year for personnel with permanent status. The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. In the event an employee is not performing his duties in a satisfactory manner according to the standards prescribed by the governing board, the employing authority shall notify the employee in writing of such fact and describe such unsatisfactory performance. The employing authority shall thereafter confer with the employee making specific recommendations as to areas of improvement in the employee's performance and endeavor to assist him in such performance.

13964. Persons not already (STRS) members who are employed on a part-time basis and who will render less than 24 hours of service per pay period, or persons who will serve less than four days per pay period on a daily basis are excluded from membership in the system.

13965. Persons not already (STRS) members who are employed as instructors of adult education classes which have a duration of less than one school semester, or less than one school quarter of 12 weeks if the district operates its adult education program on that basis are excluded from membership in the system.

13969. Any person who is a member of the Public Employees' Retirement System and who subsequently is employed in a status requisite for membership in this system is excluded from membership if he elects, by a writing filed in the office of Board of Administration of the Public Employees' Retirement System, within 90 days after such entry, to continue as a member of the Public Employees' Retirement System with respect to his new duties.

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